

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Bankruptcy Case No. 13-53846

Honorable Thomas J. Tucker

Chapter 9

**DEBTOR’S AMENDED OMNIBUS REPLY IN SUPPORT OF
FIFTY-NINTH AND SIXTY-SECOND OMNIBUS OBJECTIONS
TO CERTAIN CLAIMS**

The City of Detroit (“City”), by its undersigned counsel, files this reply in support of its *Fifty-Ninth and Sixty-Second Omnibus Objections to Certain Claims* (collectively, the “Objections,” Doc. Nos. 12766 and 12769), stating as follows:

1. On April 18, 2018, the City filed its Objections. The following individuals filed responses to the Objections:

Fifty-Ninth Omnibus Objection

- (a) Response filed by Genre Brogue (“Brogue”) [Doc. No. 12770]. Brogue’s proof of claim and response are attached as Exhibits 1 and 2.

Sixty-Second Omnibus Objection

- (b) Response filed by Pamela Booker (“Booker”) [Doc. No. 12783]. Booker’s proof of claim and response are attached as Exhibits 3 and 4.

2. As set forth in the Objections, The Alternative Dispute Resolution Procedures (“ADR Procedures”) attached as Annex 1 to the ADR Order permitted the City to serve on claimants a

notice that the Stay/Injunction is lifted to permit the underlying claim to be liquidated in a non-bankruptcy forum consistent with the terms, conditions and limitations of Section II.E. below (a “Stay Modification Notice”). In that event, immediately upon the filing of the Stay Modification Notice, the Stay/Injunction shall be deemed modified with respect to the applicable Initial Designated Claim solely to permit the liquidation of the claim in a non-bankruptcy forum...

ADR Procedures, Section I.B, p. 4.

3. Paragraph 10 of the ADR Order states

If the Stay/Injunction is modified as a result of a Stay Modification Notice, the liquidation of each applicable Initial Designated Claim shall proceed in [. . .] such other non-bankruptcy forum selected by the Designated Claimant

4. The ADR Procedures contain a procedure for their enforcement:

If a Designated Claimant fails to comply with the ADR Procedures, negotiate in good faith or cooperate with the City as may be necessary to effectuate the ADR Procedures, the Bankruptcy Court may, after notice and a hearing, find such conduct to be in violation of the ADR Order or an abandonment of or failure to prosecute the Designated Claim, or both. Upon such findings, the Bankruptcy Court may, among other things, disallow and expunge the Designated Claim, in whole or part, or grant such other or further remedy deemed just and appropriate under the circumstances, including, without limitation, awarding attorneys’ fees, other fees and costs to the City.

ADR Procedures, Section II.G.

Brogue Claim

5. Brogue's proof claim provides no basis other than stating "Notice(s) of Service & Filing." This is not a valid basis for a claim. Brogue did not address the objection in her response. Instead, Brogue stated, "I do not feel compelled to modify or expunge any claims I filed with the City of Detroit," and, "I am confident that the U.S. Bankruptcy Court's Decision was an indication that the City of Detroit was capable and competent enough to settle all their claims and debts." Under the terms of the ADR Order, in serving Brogue with a Stay Modification Notice [Doc. No. 8386], the City provided Brogue with the opportunity to liquidate her claim but she took no action. The Court should expunge Brogue's claim number 157.

Booker Claim

6. Similarly, Booker took no action despite being afforded the opportunity to liquidate her claim. On this basis alone, the claim should be expunged under the ADR Order due to Booker's abandonment and failure to prosecute her claim. Booker's proof of claim also does not explain why the City would have any liability for "Property damage from Fallen Tree." The court should expunge Booker's claim number 3836, under the terms of the ADR Order, as she was served with a Stay Modification Notice [Doc. No. 10250], but took no action.

CONCLUSION

For these reasons, the City asks the Court to overrule the Brogue and Booker responses and sustain the City's Objection to these claims pursuant to the ADR Order.

Dated: May 18, 2018

Respectfully submitted,

By: /s/ Marc N. Swanson

Marc N. Swanson (P71149)

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

150 West Jefferson, Suite 2500

Detroit, Michigan 48226

Telephone: (313) 496-7591

Facsimile: (313) 496-8451

green@millercanfield.com

swansonm@millercanfield.com

ATTORNEYS FOR THE CITY OF DETROIT

EXHIBIT 1

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN		CHAPTER 9 PROOF OF CLAIM
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Brogue, Genre		COURT USE ONLY <input type="checkbox"/> Check this box if this claim amends a previously filed claim. Court Claim Number: _____ (If known) Filed on: _____
Name and address where notices should be sent. NameID: 11701580 Brogue, Genre 2710 W. Chicago Apt 103 Detroit, MI 48206		
Telephone number: (313) 694-2387 email: genre1@netzero.com		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars. RECEIVED DEC 06 2013 KURTZMAN CARSON CONSULTANTS
Name and address where payment should be sent (if different from above): Telephone number: (313) 361-2558 email: genre1-1@netzero.net		
1. Amount of Claim as of Date Case Filed: <u>s To be determined by the Court</u>		
If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Notice(s) of Service & Filings</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>xxx-xx-1176</u>	3a. Debtor may have refiled account as: (See instruction #3a)	
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff. attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input checked="" type="checkbox"/> Real Estate <input checked="" type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: <u>As Determined by the Court</u> Value of Property: <u>As Determined by the Court</u> Annual Interest Rate (when case was filed) <u>?</u> % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ <u>?</u> Basis for perfection: <u>?</u> Amount of Secured Claim: \$ <u>?</u> Amount Unsecured: \$ <u>?</u>		
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). <u>Same As Above</u>		
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING If the documents are not available, please explain:		
8. Signature: (See instruction # 8) Check the appropriate box. <input checked="" type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>GEN. Genre Brogue, JD 50799</u> Title: <u>U.S. Army Officer</u> Company: _____ Address and telephone number (if different from notice address above): _____ (Signature) <u>GEN. Genre Brogue, JD 50799</u> (Date) <u>12/2/13</u> Telephone number: _____ email: _____		



EXHIBIT 2

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FILED '18 APR 26 PM 2:06
US BANKRUPTCY ME-DET

IN RE: City of Detroit, MI,
(Debtor)

Case No: 13-53846

Judge Thomas J. Tucker

Chapter 9

REBUTTAL

On this date of April 23, 2018, I Genre Brogue, Co-Plaintiff, in the City of Detroit Bankruptcy Case, wish to file a response with the aforementioned Court regarding the "Debtor's Objection to Certain Claims" received in today's mail.

First of all, because I do not ever file fraudulent or frivolous claims against anyone; and due to the fact that the City of Detroit was allowed to exit Bankruptcy Court as the result of their initial filing Case Number:

13-53846, I do not feel compelled to modify or expunge any claims I filed with the City of Detroit. All proofs were filed by me along with my original claims filed with the City of Detroit Law Dept. with requests for settlements included in a fair and just amount(s).

*** I am confident that U.S. Bankruptcy Court's Decision was an indication that the City of Detroit was capable and competent enough to settle all their claims and debts.

Signed by:

A.B.N. Genre Brogue, U.S. Army Officer

EXHIBIT 3

AMENDED

In its List of Claims, the City listed your claim as a contingent, unliquidated, and disputed unsecured claim in an unknown amount. To determine if you need to file a claim, please refer to the enclosed Information About Deadlines to File Claims.

B10 (Official Form 10) (04/13) (Modified)

UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT of MICHIGAN		CHAPTER 9 PROOF OF CLAIM
Name of Debtor: City of Detroit, Michigan		Case Number: 13-53846
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing.		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		<div style="font-size: 2em; font-weight: bold;">FILED (I)</div> <div style="font-size: 0.8em; font-weight: bold;">COURT USE ONLY</div> <div style="font-size: 0.8em;"> <input type="checkbox"/> Check this box if this claim amends a previously filed claim. </div> <div style="font-size: 0.8em;"> Court Claim Number: _____ (If known) </div> <div style="font-size: 0.8em;"> Filed on: _____ </div>
Property Owner		
Name and address where notices should be sent: NameID: 11566221		<div style="font-size: 1.5em; font-weight: bold;">RECEIVED</div> <div style="font-size: 1.2em; font-weight: bold;">JUL 20 2015</div> <div style="font-size: 0.8em; font-weight: bold;">KURTZMAN CARSON CONSULTANTS</div>
Property Owner 16227 Wildemere Detroit, MI 48221		
Telephone number:	email:	<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Name and address where payment should be sent (if different from above):		
Same		
Telephone number: 313-748-2877		email:
1. Amount of Claim as of Date Case Filed: \$ <u>21,250.00</u> If all or part of the claim is secured, complete item 4. If all or part of the claim is entitled to priority, complete item 5. <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
2. Basis for Claim: <u>Property Damage from Fallen Tree</u> (See instruction #2)		
3. Last four digits of any number by which creditor identifies debtor: <u>4943</u>		3a. Debtor may have scheduled account as: _____ (See instruction #3a)
4. Secured Claim (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information. Nature of property or right of setoff: <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: Value of Property: \$ _____ Annual Interest Rate (when case was filed) _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable		Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any: \$ _____ Basis for perfection: _____ Amount of Secured Claim: \$ _____ Amount Unsecured: \$ _____
5. Amount of Claim Entitled to Priority as an Administrative Expense under 11 U.S.C. §§ 503(b)(9) and 507(a)(2). \$ _____		
5b. Amount of Claim Otherwise Entitled to Priority. Specify Applicable Section of 11 U.S.C. § _____ \$ _____		
6. Credits. The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		
7. Documents: Attached are redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and redacted copies of documents providing evidence of perfection of a security interest are attached. (See instruction #7, and the definition of "redacted".) DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING. If the documents are not available, please explain:		
8. Signature: (See instruction # 8) Check the appropriate box. <input type="checkbox"/> I am the creditor. <input type="checkbox"/> I am the creditor's authorized agent. <input type="checkbox"/> I am the trustee, or the debtor, or their authorized agent. <input type="checkbox"/> I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.) (See Bankruptcy Rule 3004.) I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief. Print Name: <u>Pamela Booker</u> Title: <u>owner</u> Company: _____ Address and telephone number (if different from notice address above): <u>16227 Wildemere</u> <u>Detroit, MI 48221</u> Telephone number: <u>313-748-2877</u> email: _____		
		(Signature) <u>Pamela Booker</u> 7/16/15 (Date)

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SUITE 1800
211 W. FORT STREET
DETROIT, MICHIGAN 48226
(313) 234-0020

July 17, 2015

City of Detroit Claims Processing Center
Attention: Joseph Bunning
c/o KCC
2335 Alaska Avenue
El Segundo, CA 90245

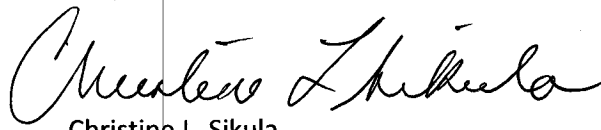
Re: City of Detroit Bankruptcy Case No. 13-53846
Amendment of Claim Number 2177 – claim of Pamela Booker

Dear Mr. Bunning.

Attached is an amendment of claim number 2177 of Pamela Booker which should be filed in the Claims Register for the City of Detroit Bankruptcy Case No. 13-53846.

Thank you.

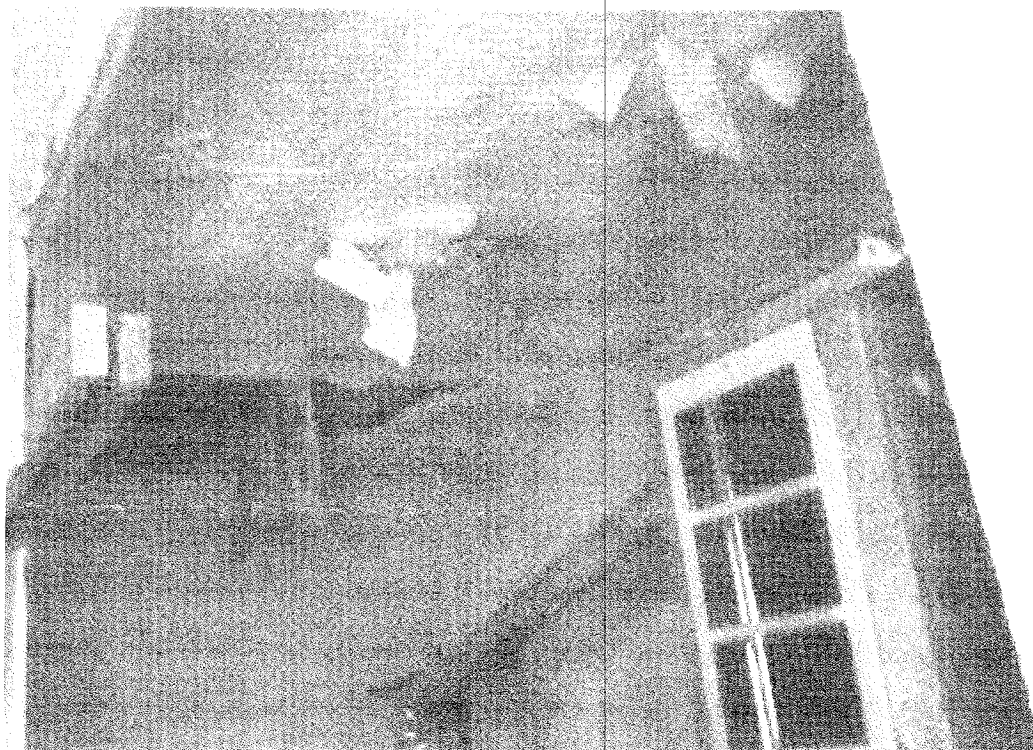
Very truly yours,

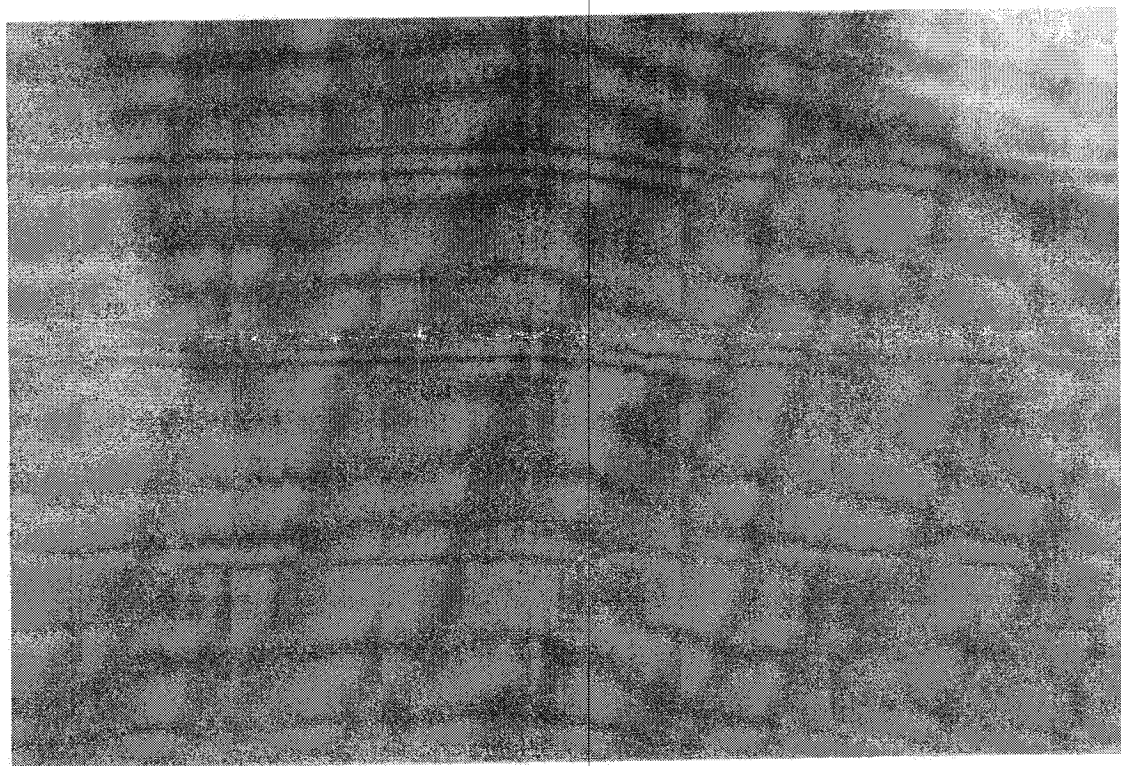
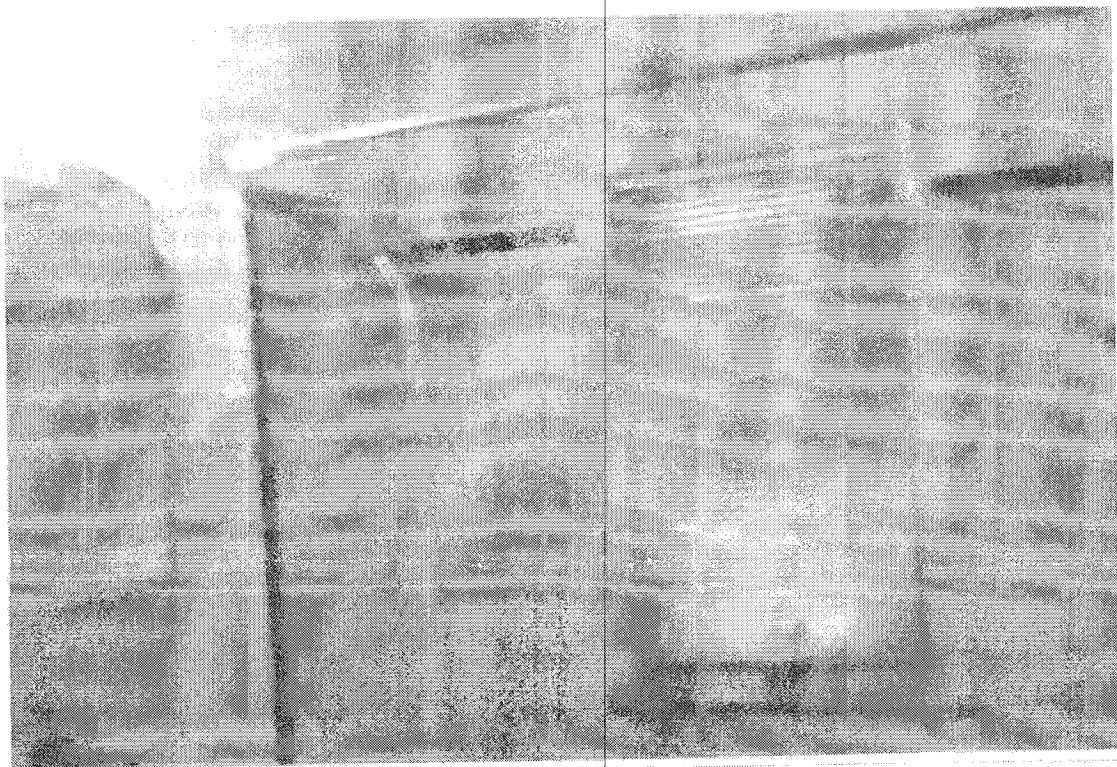


Christine L. Sikula
Courtroom Deputy

Enclosure









Mend It Now Custom Construction LLC

"Let Our Team Build Your Dream"

P.O. Box 661 Garden City, MI 48136



PROPOSAL AND CONTRACT

Date 07-13-15

Prepared For:

Pamela Booker
15741 Lamphere St.
Detroit, MI. 48223

Phone No.: 313-748-2877

Email: pamelabooker1@gmail.com

Mend It Now Custom Construction will Perform all Labor / Furnish all Materials necessary to complete the following:

Repair of fallen tree damage to interior of home

Living Rm.:

Ceiling drywall & flooring water damage due to being exposed to outside storm conditions from tree falling on home

Removal of damaged ceiling & flooring will be removed & replaced w/new

Underneath crawl space where living room & corner hallway meet flooring joist have rotten due to roof leakage which cause for need of home to be jacked up and damaged joist to be removed & replaced w/new & install (1) new steel floor jack

Kitchen:

Ceiling drywall & flooring water damage due to being exposed to outside storm conditions from tree falling on home

Removal of damaged ceiling & flooring will be removed & replaced w/new

Bath Rm.:

Ceiling drywall & west wall water damage due to being exposed to outside storm conditions from tree falling on home

Removal of damaged ceiling drywall & west wall will be removed & replaced

All of the above work will be completed in a substantial and workmanlike manner according to standard industry practices for the sum of:
Seven Thousand Seven Hundred Dollars \$7,700.00/100 (Dollars)

Project progress payments to be made as follows: Before work begins **\$3,850.00** will be due & final balance of **\$3,850.00** will be due upon completion.
If additional payments are needed before completion of project homeowner/client will be notified.

Please make payment payable to Mend It Now Custom Construction or Jayson Walker

Any alteration or deviations from the above specifications involving extra cost of materials or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

PROPOSAL ACCEPTANCE

You are hereby authorized to proceed with this project according to the specified agreement above, for which I agree to pay the amount mentioned in said proposal according to the terms thereof.

Customer Signature Print Name Date

MINCC Authorized Rep Signature Date

"Thank You for Allowing Us to Serve You"

MINCC National Home Office: 2770 Rossmere Street Colorado Springs, CO 80919

EXHIBIT 4

May 10, 2018

Pamela Booker
16227 Wildemere St.
Detroit, MI. 48221


Clerk of the Court
United States Bankruptcy Court
211 W. Fort Street, Suite 2100
Detroit, MI. 48226

Re: Response to objection letter dated 4/18/18 for the City of Detroit, Chapter 9, Case No. 13-53846; Claim No. 3836. Stay Modification Notice, Doc. No. 12228

Honorable Thomas J. Tucker:

When the city agreed to settle my claim (valid basis), to me that meant it accepted responsibility for my loss. Therefore, on 7/16/15, I filed a notice to amend my claim. On 7/21/15, I resubmitted the notice to read corrected instead of amended to the court as directed. The hearing scheduled for 7/22/15 was cancelled without notice, I asked the court clerk to let the court know I had appeared. Once that happened I wasn't sure what to do. It has never been my intention to be uncooperative with the city or not negotiate in good faith. I tried twice to get an attorney, the first said the city would see me as a liar and a cheat. The second, wasn't any better, I listened to his colleague tell him, all she did was amend her claim. I will try to have an attorney with me 5/23/18.

Sincerely,



Pamela Booker
313-748-2877

FILED '18 MAY 14 PM12:14
US BANKRUPTCY MIE-DET